

1 **CHRISTOPHER V. YERGENSEN, ESQ.**
2 **Nevada Bar No. 6183**
3 **395 Gatlinburg Ct.**
4 **Henderson, NV 89012**
5 **T: 702-303-4688**
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7 **Attorneys for Plaintiffs**
8 **RONALD HAUS AND EVA BEROU**

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 RONALD HAUS, an individual; and EVA
12 BEROU, and individual,

13 Plaintiffs,

14 v.

15 THE BANK OF NEW YORK MELLON FKA
16 THE BANK OF NEW YORK AS TRUSTEE
17 FOR THE BENEFIT OF THE CERTIFICATE
18 HOLDERS OF THE CWALT, INC.,
19 ALTERNATIVE LOAN TRUST 2004-J09,
20 MORTGAGE PASS THROUGH
21 CERTIFICATES, SERIES 2004-J09; SABLES
22 LLC, a Nevada Limited Liability Company;
23 DOE individuals 1 through 10; and ROE
24 Corporations 1 through 10, inclusive,

25 Defendants.

Case No. 2:20-cv-00263-RFB-NJK

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANT TO
RESPOND**

(Second Request)

18 This is the Second Request to Extend the time to Respond, the First Request was denied
19 without prejudice. IT IS HEREBY STIPULATED AND AGREED between Defendant THE BANK
20 OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT
21 OF THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST
22 2004-J09, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-J09 (“Defendant”) and
23 Plaintiffs, RONALD HAUS and EVA BEROU (“Plaintiffs”) (collectively the “Parties”), by and
24 through their undersigned attorneys, that Defendant shall have up to and including April 7, 2020 to file a
25 Response to Plaintiffs’ Complaint.

26 This is the Parties’ second request for an extension and is not intended to cause any delay or
27 prejudice to any party. The Parties request said extension for three reasons. First, Defendant has been made
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1 aware of two prior cases in both the Nevada State¹ and Federal² courts involving these parties and the
2 subject property. The Federal case was appealed to the Ninth Circuit. The Nevada state case spanned five-
3 years, and numerous motions and other documents were filed in both prior cases. Defendant therefore
4 requires time to evaluate the impact of those cases on the case currently at bar.

5 Second, the parties are currently exploring the settlement of this case. In order to save time, fees,
6 and costs, the Parties may be able to negotiate this case prior to the Defendants' response to the Complaint.

7 Third, the Parties are exploring whether this case involves a question of first impression under NRS
8 206.140 and whether that question should be first certified to the Nevada Supreme Court. Defendant does
9 not stipulate that this case contains an issue of first impression, rather Defendant asserts that more time is
10 necessary to evaluate this case to determine as much, should settlement not be achievable in the coming
11 days.

12 In order to promote judicial economy and efficiency, the Parties respectfully request an extension
13 on the time for Defendant to file a response to the Plaintiffs' Complaint and stipulate to the extension of
14 said deadline until April 7, 2020.

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28 ¹ EJDC Case No. A-15-721393-C.

² USDCNV Case No. 2:17-cv-01466-JCM-NJK.

1 Trial has not been set in this case yet.

2 **IT IS SO STIPULATED.**

3 DATED: March 6, 2020

DATED: March 6, 2020

4 WOLFE & WYMAN LLP

5 By: /s/ Racheal A. Ross, Esq.

6 RACHEAL A. ROSS, ESQ.

7 Nevada State Bar No. 14943

8 6757 Spencer Street

9 Las Vegas, NV 89119

10 Attorneys for Defendant

11 THE BANK OF NEW YORK MELLON

12 FKA THE BANK OF NEW YORK AS

13 TRUSTEE FOR THE BENEFIT OF THE

CERTIFICATE HOLDERS OF THE

CWALT, INC., ALTERNATIVE LOAN

TRUST 2004-J09, MORTGAGE PASS

THROUGH CERTIFICATES, SERIES

2004-J09

By: /s/ Christopher V. Yergensen, Esq.

CHRISTOPHER V. YERGENSEN, ESQ.

Nevada Bar No. 6183

395 Gatlinburg Ct.

Henderson, NV 89012

Attorney for Plaintiffs

RONALD HAUS and EVA BEROU

ORDER

Based on the Stipulation of the parties, and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATE HOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2004-J09, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-J09 shall have up to and including April 7, 2020 to file a Response to Plaintiffs' Complaint.

IT IS SO ORDERED.

DATED: March 13, 2020

By:


United States Magistrate Judge